

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

VINICIO VILLA, JESUS SALVADOR  
GOMEZ, and GERMAN VENTURA, on  
behalf of themselves and all other persons  
similarly situated,

Plaintiffs,

v.

HIGHBURY CONCRETE INC., THOMAS  
GORMAN, THOMAS FOGARTY, and  
BENNY GRIFFIN,

Defendants.

Index No. 17-cv-984 (CBA) (PK)

Civil Action

**STIPULATION CONCERNING CLASS  
CERTIFICATION**

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT  
★ MAR 4 2020 ★  
BROOKLYN OFFICE

RD 3/4/2020  
EF

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the Plaintiffs, Vinicio Villa, Jesus Salvador Gomez and German Ventura, et al. (collectively, "Plaintiffs"), and for the Defendants, Highbury Concrete, Inc., Thomas Gorman, Thomas Fogarty and Benny Griffin (collectively, "Defendants"), that the class of plaintiffs in this litigation pursuant to Fed. R. Civ. P. 23 shall be certified and defined as follows:

**All employees who worked for Highbury Concrete Inc. as laborers (including, but not limited to, rebar workers, carpenters and concrete strippers) in the state of New York from February 22, 2011 through the date of this Order.**

IT IS FURTHER STIPULATED AND AGREED that named plaintiffs Vinicio Villa, Jesus Salvador Gomez, and German Ventura will be appointed as class representatives, and Samuel & Stein will be appointed as class counsel.


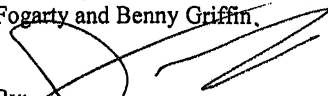
IT IS FURTHER STIPULATED AND AGREED that the parties' consent to certification of said class shall in no way be deemed a waiver of any party's right to challenge whether any particular potential plaintiff is a proper class member, or whether any of the Defendants are

ultimately liable for the payment of any particular class member's alleged damages; accordingly, all such rights are hereby reserved.

IT IS FURTHER STIPULATED AND AGREED that the proposed class notice filed by Plaintiffs, filed as Docket Entry 144-9, is approved as to form if modified in all respects to be consistent with the defined class above, and that Plaintiffs are authorized to have the letter translated into Spanish and any other language spoken by a substantial number of potential class members.

IT IS FURTHER STIPULATED AND AGREED that within fourteen (14) days after entry of this Order, Defendants will furnish Plaintiffs' counsel with a list containing the names and last known addresses of all known potential Class members in machine-readable electronic form.

DATED: New York, New York  
February 27, 2020

Attorneys for Plaintiffs, Vinicio Villa, Jesus Salvador Gomez and German Ventura, et al.  By:  SAMUEL & STEIN David Stein David M. Nieporent 38 West 32 <sup>nd</sup> Street, Suite 1110 New York, New York 10001	Attorneys for Defendants, Highbury Concrete, Inc., Thomas Gorman, Thomas Fogarty and Benny Griffin.  By:  COLE SCHOTZ P.C. Brian L. Gardner Jason R. Finkelstein 1325 Avenue of the Americas, 19 <sup>th</sup> Floor New York, New York 10019
--	--

SO ORDERED:

  
s/Carol Bagley Amon  
Hon.

3/3/20